



The Journal OF THE *House of Representatives*

FIFTH SPECIAL SESSION—"E" of 2000-2002

Number 1

Wednesday, May 1, 2002

Journal of the House of Representatives for a Special Session of the 80th House since Statehood in 1845, convened by Proclamation of the Governor and held at the Capitol in the City of Tallahassee in the State of Florida on Wednesday, May 1, 2002.

Pursuant to the proclamation of the Governor, the Honorable Sandra L. Murman, Speaker pro tempore, took the Chair at 9:15 a.m.

The following proclamation was read:

PROCLAMATION

State of Florida
Executive Office of The Governor
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND HOUSE OF REPRESENTATIVES

WHEREAS, the 2002 regular session of the Legislature of the State of Florida Legislature adjourned on March 22 without passing a General Appropriations Act for fiscal year 2002-2003; and

WHEREAS, the Legislature also adjourned without completing its consideration of other legislation important for efficient and safe operation of the state; and

WHEREAS, it is in the best interest of the people of the state of Florida that the legislature act expeditiously to complete its work to provide appropriations for the upcoming fiscal year, and to complete its consideration of other legislation important for the efficient and safe operation of the state;

NOW, THEREFORE, I, Jeb Bush, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1.

The Legislature of the State of Florida is convened in Special Session commencing at 1:00 p.m., Monday, April 29, 2002, and extending through 11:59 p.m., Monday, May 13, 2002.

Section 2.

The Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following:

- A. A General Appropriations Act for fiscal year 2002-2003.
- B. Legislation necessary to implement a General Appropriations Act for fiscal year 2002-2003, including the recreation or creation of any needed trust funds.

- C. Legislation concerning the subject matter of education as embodied in the conference committee report on HB 0001-D.
- D. Legislation dealing with the subject matter of the 2002 regular session bills CS/CS/CS SB 636 and CS/CS SB 638, the deliberate or accidental misuse of prescription drugs.
- E. Legislation dealing with the adoption of the 2002 version of the Internal Revenue code, as amended by the Job Creation and Worker Assistance Act of 2002.
- F. Legislation defining the duties of the newly created cabinet position of chief financial officer.
- G. Legislation dealing with the subject matter of the 2002 regular session CS HB 1069, the Miami charter.
- H. Legislation dealing with naming the Florida Excellent Teacher Program after the late Mr. Dale Hickam.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 23rd day of April, 2002.

JEB BUSH
Governor

ATTEST:

KATHERINE HARRIS
Secretary of State

The following expanded proclamation was read:

PROCLAMATION

State of Florida
Executive Office of the Governor
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND HOUSE OF REPRESENTATIVES

WHEREAS, the 2002 regular session of the Legislature of the State of Florida Legislature adjourned on March 22 without passing a General Appropriations Act for fiscal year 2002-2003; and

WHEREAS, the Legislature also adjourned without completing its consideration of other legislation important for efficient and safe operation of the state; and

WHEREAS, it is in the best interest of the people of the state of Florida that the legislature act expeditiously to complete its work to provide appropriations for the upcoming fiscal year, and to complete its consideration of other legislation important for the efficient and safe operation of the state; and

WHEREAS, I have called a Special Session commencing at 1:00 p.m., Monday, April 29, 2002, and extending through 11:59 p.m., Monday, May 13, 2002; and

WHEREAS, it is prudent to expand the call for this Special Session;

NOW, THEREFORE, I, Jeb Bush, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

The call to the Legislature of the State of Florida is expanded for the sole purpose of considering the following:

- A. SB 40-E and identical House legislation, economic development incentives involving the Qualified Targeted Industry and Qualified Defense Contractor programs.
- B. SB 46-E and identical House legislation, health care reform.
- C. SB 24-E and identical House legislation, a public records exemption relating to military discharge papers.
- D. Legislation dealing with requiring a sound fiscal impact to be established and noted on the ballot for all citizen initiative constitutional amendments.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 29th day of April, 2002.

JEB BUSH
Governor

ATTEST:

KATHERINE HARRIS
Secretary of State

Upon seeing no quorum of Members present, the Speaker pro tempore ordered a call of the House for 10:00 a.m. tomorrow, Thursday, May 2.

Select Committee Assignments

The Speaker advised that, pursuant to Rule 7.2(a), he had created a Select Committee on Oversight of Florida's Department of Children and Family Services. The Speaker further advised that he had appointed Rep. Murman (Chair) and Reps. Detert, Gottlieb, Johnson, Justice, Kallinger, Mahon, Meador, Ritter, Siplin, and Waters to the Select Committee on Oversight of Florida's Department of Children and Family Services.

Messages from the Senate

First Reading by Publication

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 6-E by the required Constitutional three-fifths vote of the members of the Senate; passed SB 20-E, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Sullivan and others—

SB 6-E—A bill to be entitled An act relating to the Excellent Teaching Program; creating ss. 1012.72, 1010.72, F.S.; redesignating a program

and trust fund as the “Dale Hickam Excellent Teaching Program” and the “Dale Hickam Excellent Teaching Program Trust Fund”; repealing ss. 236.08106, 236.08107, F.S., relating to the Excellent Teaching Program and the Excellent Teaching Program Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Referred to the Calendar of the House.

By Senators Villalobos and Sullivan—

SB 20-E—A bill to be entitled An act relating to education and matters connected therewith; creating the “Florida K-20 Education Code”; creating ch. 1000, F.S., entitled “K-20 General Provisions,” consisting of part I relating to general provisions, part II relating to systemwide definitions, and part III relating to educational compacts; creating ch. 1001, F.S., entitled “K-20 Governance,” consisting of part I relating to state-level governance, part II relating to school district governance, part III relating to community colleges, and part IV relating to state universities; creating ch. 1002, F.S., entitled “Student and Parental Rights and Educational Choices,” consisting of part I relating to general provisions, part II relating to student and parental rights, part III relating to educational choice, and part IV relating to home education, private schools, and other education options; creating ch. 1003, F.S., entitled “Public K-12 Education,” consisting of part I relating to general provisions, part II relating to school attendance, part III relating to control of students, part IV relating to public K-12 educational instruction, part V relating to specialized instruction for certain public K-12 students, and part VI relating to pilot public K-12 education programs; creating ch. 1004, F.S., entitled “Public Postsecondary Education,” consisting of part I relating to general provisions, part II relating to state universities, part III relating to community colleges, and part IV relating to workforce development education; creating ch. 1005, F.S., entitled “Nonpublic Postsecondary Education,” consisting of part I relating to general provisions, part II relating to the Commission for Independent Education, and part III relating to licensure of nonpublic postsecondary educational institutions; creating ch. 1006, F.S., entitled “Support for Learning and Student Services,” consisting of part I relating to public K-12 education support for learning and student services and part II relating to postsecondary educational institutions; creating ch. 1007, F.S., entitled “Access and Articulation,” consisting of part I relating to general provisions, part II relating to articulation, and part III relating to access to postsecondary education; creating ch. 1008, F.S., entitled “Assessment and Accountability,” consisting of part I relating to assessment, part II relating to accountability, and part III relating to the Council for Education Policy Research and Improvement; creating ch. 1009, F.S., entitled “Educational Scholarships, Fees, and Financial Assistance,” consisting of part I relating to general provisions, part II relating to postsecondary student fees, part III relating to financial assistance, part IV relating to prepaid college board programs, and part V relating to the Florida higher education loan authority; creating ch. 1010, F.S., entitled “Financial Matters,” consisting of part I relating to general accounting requirements, part II relating to financial reporting, part III relating to audit requirements and procedures, part IV relating to bonding, and part V relating to trust funds; creating ch. 1011, F.S., entitled “Planning and Budgeting,” consisting of part I relating to preparation, adoption, and implementation of budgets, part II relating to funding for school districts, part III relating to funding for workforce education, part IV relating to funding for community colleges, and part V relating to funding for state universities; creating ch. 1012, F.S., entitled “Personnel,” consisting of part I relating to general provisions, part II relating to K-20 personnel issues, part III relating to public schools personnel, part IV relating to public postsecondary educational institutions personnel, part V relating to professional development, and part VI relating to the interstate compact on qualifications of educational personnel; creating ch. 1013, F.S., entitled “Educational Facilities,” consisting of part I relating to functions of the Department of Education, part II relating to use and management of educational facilities, part III relating to planning and construction of educational facilities, and part IV relating to funding for educational facilities; reenacting and amending s. 20.15, F.S., relating to the Department of

Education, to conform; amending ss. 11.061, 11.40, 11.45, 23.1225, 24.121, 39.0015, 39.407, 61.13015, 105.061, 110.1228, 110.123, 110.151, 110.181, 110.205, 112.1915, 112.313, 120.52, 120.55, 120.81, 121.051, 121.091, 145.131, 145.19, 153.77, 159.27, 163.3177, 163.3191, 195.096, 196.012, 196.031, 196.1983, 200.001, 200.065, 200.069, 201.24, 210.20, 212.04, 212.0602, 212.08, 213.053, 215.20, 215.82, 216.181, 216.301, 218.39, 220.183, 222.22, 250.115, 255.0515, 255.0516, 265.2861, 265.603, 267.173, 267.1732, 282.005, 282.103, 282.105, 282.106, 282.3031, 282.3063, 282.310, 284.34, 285.18, 287.042, 287.055, 287.064, 288.039, 288.8175, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 316.003, 316.027, 316.515, 316.6145, 316.615, 316.70, 316.72, 318.12, 318.14, 320.08058, 320.20, 320.38, 322.031, 322.091, 322.095, 322.21, 333.03, 364.508, 380.0651, 381.003, 381.005, 381.0056, 381.0302, 391.055, 393.0657, 394.4572, 394.495, 394.498, 395.602, 395.605, 397.405, 397.451, 397.951, 402.22, 402.302, 402.3057, 409.145, 409.1757, 409.2598, 409.9071, 409.908, 409.9122, 411.01, 411.203, 411.223, 414.1251, 440.16, 445.04, 445.0121, 445.024, 447.203, 447.301, 447.403, 450.081, 450.121, 458.3145, 458.324, 459.0125, 468.1115, 468.607, 468.723, 471.0035, 476.114, 476.144, 476.178, 477.0132, 477.019, 477.0201, 477.023, 480.033, 481.229, 488.01, 553.415, 559.902, 589.09, 627.733, 627.742, 627.912, 633.445, 633.50, 732.402, 784.081, 817.566, 817.567, 877.18, 921.187, 943.10, 943.22, 944.801, 948.03, 984.03, 984.05, 984.151, 984.19, 985.03, 985.04, 985.316, and 985.412, F.S.; conforming provisions and cross references; revising provisions relating to audits of the accounts and records of district school boards; providing purpose of this act; authorizing activities relating to the reorganization of the Department of Education and implementation of changes to the state system of education; repealing s. 187.201(1), F.S., relating to the education goals and policies of the State Comprehensive Plan; repealing s. 2 of ch. 2000-181, Laws of Florida, relating to the repeal of s. 236.081, F.S., effective June 30, 2004; repealing part I of ch. 243, F.S., relating to the educational institutions law, and ch. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 244, and 246, F.S., relating to public education general provisions, functions of state educational agencies, the district school system, personnel of the school system, compulsory school attendance and child welfare, courses of study and instructional aids, transportation of school children, educational facilities, finance and taxation of schools, financial accounts and expenditures for public schools, vocational, adult, and community education, postsecondary education, distance learning, specialized state educational institutions, educational compacts, and nonpublic postsecondary institutions; providing duties of the Division of Statutory Revision; providing for review of ch. 1000-1013, F.S., during the 2003 Regular Session; requiring each district school board to develop a plan for a K-12 foreign language curriculum; amending s. 110.1099, F.S.; deleting a requirement that credit hours generated by state employee fee waivers be fundable credit hours; providing for severability; providing effective dates.

Referred to the Calendar of the House.

Introduction and Reference

By Representative Andrews—

HB 1-E—A bill to be entitled An act relating to incentives to promote new product development; providing a short title; creating s. 288.1172, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and the Department of Revenue; providing requirements for product development agreements; providing that donor companies may be granted a credit which may be used to fund sponsored research at a state university, as reimbursement for the purchase of machinery, equipment, or building supplies used in a Florida manufacturing facility, or as a corporate income tax credit; requiring the office to certify certain amounts to the department; requiring the department to make certain distributions; authorizing donor companies to elect to change the type of credit, payment, or reimbursement under certain circumstances; providing requirements for such election; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; relieving

receiving companies of payments to donor companies under certain circumstances; providing remedies against a donor company when a receiving company fails to remit funds; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies that so elect; providing for carryover of the credit; providing for rules; amending s. 220.02, F.S.; providing order of credits against the corporate income tax; amending s. 212.20, F.S.; requiring the Department of Revenue to make certain distributions within a time certain under certain circumstances; providing effective dates.

Filed.

By Representatives Alexander and Flanagan—

HB 3-E—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; providing for a Division of Financial Investigations; authorizing the Chief Financial Officer to process certain warrants created by the Comptroller; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance and Commissioner of Financial Services; providing for subpoenas, sworn statements, and enforcement proceedings; providing rulemaking authority; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner's office; providing jurisdiction of the Governor and Cabinet; authorizing the Department of Insurance and Financial Services to destroy certain records and correspondence under certain circumstances; authorizing the Department of Insurance and Financial Services to photograph, microfilm, or reproduce on film certain records and documents for certain purposes under certain circumstances; authorizing the Department of Insurance and Financial Services to disseminate certain information under certain circumstances; providing for effect of photographed, microfilmed, or reproduced records and documents; transferring certain programs, including employees and equipment, from the Department of Banking and Finance and the Department of Insurance to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; requiring transferring agencies to prepare and submit inventories of certain property to the executive director of the Department of Insurance and Financial Services by a certain date; transferring certain trust funds from the Department of Banking and Finance and the Department of Insurance to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the office of executive director of the Department of Insurance and Financial Services; providing for appointment of the executive director; providing for the executive director to serve as the head of the Office of Transition Management; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; providing rules of construction; providing for assistance of certain legislative substantive committees by the Division of Statutory Revision for certain purposes; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representative Lacasa—

HB 5-E—A bill to be entitled An act relating to the Miami-Dade County Home Rule Charter; amending the Miami-Dade County Home Rule Charter; providing additional powers of the Board of County

Commissioners; specifying thirteen County Commission districts; requiring the Board to adopt certain reapportionment plan development procedures; providing for salaries of County Commissioners; providing for an acting County Mayor under certain circumstances; providing requirements; specifying powers and duties of the County Commission; creating the office of County Mayor; providing for election of the County Mayor; specifying powers and responsibilities of the County Mayor; limiting eligibility of the County Mayor under certain circumstances; providing for Deputy County Mayors; requiring the County Commission to annually appropriate funds to the Executive Office of the County Mayor for certain purposes; revising provisions for election and terms of County Commissioners; providing for nonpartisan election of a County Supervisor of Elections; providing for powers and duties of the County Supervisor of Elections; providing for disqualification of certain persons to vote or hold office; specifying term limits for County Mayor and County Commissioners; providing for a County Comptroller; providing for functions, qualifications, powers, and duties of the County Comptroller; specifying a term of office of the County Comptroller; specifying restrictions relating to the Office of the County Comptroller; providing for removal of the County Comptroller; revising the administrative organization and procedures of the county; specifying service offices associated with Deputy County Mayors; specifying departments within such service offices; providing for financial planning by the Executive Office of the County Mayor; providing requirements; providing for county civil service; providing for the Office of County Attorney; providing for demographic, policy, and planning functions; abolishing the office of County Manager and transferring to the County Mayor the powers, duties, functions, and responsibilities of the County Manager; revising certain other provisions to conform; providing severability for charter provisions; providing severability; providing for a referendum to be called by the Board of County Commissioners of Miami-Dade County; specifying the form of the ballot question on the referendum; providing for effect upon referendum approval; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representative Sorensen—

HB 7-E—A bill to be entitled An act relating to trust funds; creating s. 403.185, F.S.; creating the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund to be administered by the Department of Community Affairs; providing sources of funds; providing purposes and administrative provisions with respect to such purposes; providing rulemaking authority for such administrative provisions; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing for termination of the trust fund following removal of the area of critical state concern designation from the Florida Keys and Key West Areas; providing an effective date.

Filed.

By Representative Wallace—

HB 9-E—A bill to be entitled An act relating to the corporate income tax; providing for giving effect to certain provisions of the Job Creation and Worker Assistance Act of 2002 for state corporate income tax purposes; amending s. 220.03, F.S.; adopting the 2002 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources.

By Representative Lynn—

HB 11-E—A bill to be entitled An act relating to the Excellent Teaching Program; creating ss. 1012.72, 1010.72, F.S.; redesignating a program and trust fund as the “Dale Hickam Excellent Teaching Program” and the “Dale Hickam Excellent Teaching Program Trust

Fund”; repealing ss. 236.08106, 236.08107, F.S., relating to the Excellent Teaching Program and the Excellent Teaching Program Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Lifelong Learning.

By Representative Bennett—

HB 13-E—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; providing for transfer of all records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of ch. 497, F.S., relating to funeral and cemetery services, from the Department of Banking and Finance to the Department of Business and Professional Regulation; ending the terms of current members of the Board of Funeral Directors and Embalmers and of the Board of Funeral and Cemetery Services; providing for appointment, qualifications, and staggering of terms of members of the new Board of Funeral Directors and Cemeteries; preserving the validity of judicial and administrative proceedings pending at the time of such transfer and the validity of licenses and registrations in effect at the time of such transfer; amending ss. 20.165, 455.2226, 470.002, 497.005, and 497.105, F.S.; revising terminology and references, to conform; amending s. 215.321, F.S., relating to the Regulatory Trust Fund, to remove deposit therein of funds received pursuant to ch. 497, F.S.; amending s. 470.003, F.S.; revising board membership and qualifications; providing for board headquarters; revising terminology, to conform; amending s. 470.017, F.S.; increasing college credit course requirements for registration as a direct disposer; amending s. 470.018, F.S.; increasing continuing education requirements for renewal of registration as a direct disposer; amending s. 470.0295, F.S.; eliminating an exception to the requirement that a licensed funeral director be present during the disinterment and reinterment of human remains; requiring a permit prior to the disinterment of human remains; providing rulemaking authority; providing a penalty; amending s. 470.0355, F.S.; revising requirements for the identification of human remains; providing rulemaking authority; providing administrative fines and penalties; providing for recovery of actual and punitive damages; amending s. 497.103, F.S.; requiring the board to establish by rule reasonable times for access to cemeteries; amending s. 497.117, F.S.; providing for payment of fees and costs of legal counsel to be paid from the Professional Regulation Trust Fund, to conform; revising terminology, to conform; amending ss. 497.201 and 497.253, F.S.; reducing the number of contiguous acres required for a cemetery; exempting certain cemeteries; revising terminology, to conform; amending s. 497.305, F.S.; prohibiting cemetery companies from restricting cemetery access to authorized installers of monuments and markers during the access times established by board rule; amending s. 497.325, F.S.; clarifying applicability of certain illegal tying arrangements to all entities owning and operating a cemetery; amending s. 497.333, F.S.; requiring each written contract provided to a customer to include a complete description of any grave space to be used for the interment of human remains; repealing s. 497.361(5), F.S., relating to requirements for delivery and deadlines for installation of monuments; amending s. 497.419, F.S.; providing that failure to install a monument within a specified period after interment constitutes breach of contract; authorizing extension of such period by written agreement; amending ss. 497.233 and 497.429, F.S.; conforming cross references; creating s. 497.442, F.S.; prohibiting the preneed sale of undeveloped cemetery property prior to the filing of a site plan for board approval; requiring site plans for undeveloped cemetery property to be completed by a professional surveyor and mapper; providing penalties; repealing s. 497.101, F.S., relating to the Board of Funeral and Cemetery Services, to conform; repealing s. 497.107, F.S., relating to the headquarters of the board, to conform; repealing s. 497.109, F.S., relating to organization and meetings of the board, to conform; requiring death certificates to include the location where the body is buried; providing effective dates.

Filed.

By Representatives Crow, Fasano, and Goodlette—

HB 15-E—A bill to be entitled An act relating to health care; providing for specified licensing boards to adopt rules governing the prescribing of controlled substances in emergency department settings; requiring certain health care providers to complete education courses relating to the prescription and pharmacology of controlled substances; providing penalties; providing for the emergency suspension of certain licenses for prescribing violations; requiring law enforcement agencies, the Department of Health, the Medical Examiners Commission within the Department of Law Enforcement, the statewide prosecutor, and state attorneys to share certain information regarding health care practitioners; requiring a study and a report; requiring the Department of Health, Bureau of Pharmacy Services, to establish an electronic system to monitor the prescribing of certain controlled substances; establishing an advisory council and providing for its membership, duties, staff, and compensation; amending s. 456.033, F.S.; eliminating certain requirements for HIV and AIDS education courses; repealing ss. 458.319(4) and 459.008(5), F.S., relating to continuing education requirements for renewal of licensure by physicians and osteopathic physicians, to conform; amending s. 456.072, F.S.; revising disciplinary penalties applicable to health care practitioners; reenacting ss. 456.082(2), 457.109(1) and (2), 458.331(1) and (2), 458.347(7)(g), 459.015(1) and (2), 459.022(7)(f), 460.413(1) and (2), 461.013(1) and (2), 462.14(1) and (2), 463.016(1) and (2), 464.018(1) and (2), 465.016(1) and (2), 466.028(1) and (2), 467.203(1) and (2), 468.1295(1) and (2), 468.1755(1) and (2), 468.217(1) and (2), 468.365(1) and (2), 468.518(1) and (2), 468.719, 468.811, 478.52(1) and (2), 480.046(1) and (2), 483.825(1) and (2), 483.901(6)(g) and (h), 484.014(1) and (2), 484.056(1) and (2)(a), 486.125(1) and (2), 490.009, and 491.009, F.S., relating to grounds for disciplinary action applicable to persons involved in health care practice, including acupuncture, medical practice, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, midwifery, speech-language pathology and audiology, nursing home administration, occupational therapy, respiratory therapy, dietetics and nutrition practice, athletic trainers, orthotics, prosthetics, and pedorthics, electrolysis, massage practice, clinical laboratory personnel, medical physicists, dispensing of optical devices and hearing aids, physical therapy practice, psychological services, and clinical, counseling, and psychotherapy services, to incorporate the amendment to s. 456.072, F.S., in references thereto; amending s. 458.345, F.S.; requiring certain resident physicians, interns, and fellows to complete an educational course in the prescribing and pharmacology of controlled substances; amending s. 461.013, F.S.; prohibiting the presigning of blank prescription forms and providing penalties; amending s. 893.04, F.S.; providing additional requirements for pharmacists regarding the identification of persons to whom controlled substances are dispensed; prohibiting certain prescribing practitioners from possessing, administering, dispensing, or prescribing controlled substances; creating s. 893.065, F.S.; providing for a voluntary program for counterfeit-resistant prescription documents; providing program requirements and rulemaking authority; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Healthy Communities; and Committee on Health & Human Services Appropriations.

By Representatives Harrell and Fasano—

HB 17-E—A bill to be entitled An act relating to fraud prevention; creating the Fraud Prevention Unit within the Office of the Attorney General to improve and coordinate the state's response to fraud and related crimes; requiring the unit to establish a Statewide Complaint Receipt and Referral Center to collect, refer, and analyze information concerning fraud; specifying goals of the center; specifying responsibilities of the unit; providing requirements for projects supported by the unit; requiring the unit to develop public information programs and establish recommended training curricula; authorizing the Attorney General to use volunteers who are agents of the unit with respect to protection under the state's sovereign immunity; requiring the unit to coordinate its investigations with other law enforcement

agencies and victim assistance programs; requiring the unit to use services of the Federal Trade Commission; requiring that the unit avoid duplicating services but communicate the availability of those services; requiring that the unit be developed and operated using existing resources; providing for the use of donated funds and resources; authorizing state agencies and local businesses to assign employees to assist the unit; authorizing the unit to assist victims in correcting credit reports or other identifying information; prohibiting the unit from providing legal representation to victims of fraud; providing an effective date.

Filed.

By Representatives Kilmer, Gardiner, and Negron—

HB 19-E—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a short title; specifying a period during which the sale of clothing, certain other items, and school supplies shall be exempt from such tax; providing definitions; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

Filed.

By Representative Paul—

HB 21-E—A bill to be entitled An act relating to public-records exemptions; exempting personal identifying information contained in armed forces military-separation forms from disclosure when held by the clerk of the court; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on State Administration.

By Representative Fasano—

HB 23-E—A bill to be entitled An act relating to health care; providing legislative findings and intent relating to health flex plans; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria for approval of health flex plans; delineating the responsibilities of the Agency for Health Care Administration and the Department of Insurance; exempting approved health flex plans from certain regulatory requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan entities to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; requiring an evaluation and report; providing for future repeal; transferring to the Department of Health the powers, duties, functions, and assets that relate to the consumer complaint services, investigations, and prosecutorial services performed by the Agency for Health Care Administration under contract with the department; transferring full-time equivalent positions and the practitioner regulation component from the agency to the department; amending s. 20.43, F.S.; deleting the provision authorizing the department to enter into such contract with the agency, to conform; updating a reference to provide the name of a regulatory board under the Division of Medical Quality Assurance; requiring the Office of Legislative Services to contract for an outsourcing feasibility study relating to the regulatory responsibilities of the Board of Dentistry; providing an appropriation; requiring a report to the Governor and Legislature; requiring the Department of Health to contract for the implementation of the electronic continuing education tracking system and requiring said system to be compatible and integrated with the department's licensure and renewal system; amending s. 456.057, F.S.; authorizing specified persons to release certain medical records to a custodian upon board order; exempting such persons from liability for the release of such records; amending s. 456.072, F.S.; revising grounds for disciplinary action to be imposed on certain health care practitioners relating to notice to patients concerning availability and access to medical records; amending s. 456.076, F.S.; providing additional conditions for impaired practitioners

to enroll in a treatment program as an alternative to discipline; amending s. 456.0375, F.S.; revising the definition of "clinic" to exempt public college and university clinics from medical clinic registration, to restrict the exemption for massage establishments, and to clarify when a health care practitioner may supervise another health care practitioner; prohibiting insurers from denying claims under specified circumstances; amending s. 456.072, F.S.; revising grounds for disciplinary action to be imposed on certain health care practitioners relating to performing health care services improperly and to leaving foreign bodies in patients; amending s. 631.57, F.S.; exempting medical malpractice insurance premiums from an assessment; amending s. 395.002, F.S.; defining "medically unnecessary procedure"; amending s. 394.4787, F.S.; conforming a cross reference; amending s. 395.0161, F.S.; providing Agency for Health Care Administration rulemaking authority relating to inspections and investigations of facilities; amending s. 395.0197, F.S.; revising requirements for health care facility internal risk management programs; amending s. 465.019, F.S.; revising the definition of "class II institutional pharmacies" to allow dispensing and consulting services to hospice patients under certain circumstances; amending s. 499.007, F.S.; deleting requirement for labeling of name and place of business of the manufacturer of a drug or device; providing legislative findings relating to responsiveness to emergencies and disasters; amending s. 381.0034, F.S.; providing a requirement for instruction of certain health care licensees on conditions caused by nuclear, biological, and chemical terrorism as a condition of initial licensure and, in lieu of the requirement for instruction on HIV and AIDS, as a condition of relicensure; amending s. 381.0035, F.S.; providing a requirement for instruction of employees at certain health care facilities on conditions caused by nuclear, biological, and chemical terrorism upon initial employment and, in lieu of the requirement of instruction on HIV and AIDS, as biennial continuing education; providing an exception; creating s. 381.0421, F.S.; requiring postsecondary educational institutions to provide information on meningococcal meningitis and hepatitis B; requiring individuals residing in on-campus housing to document vaccinations against meningococcal meningitis and hepatitis B or sign a waiver; amending ss. 395.1027 and 401.245, F.S.; correcting cross references; amending s. 401.23, F.S.; revising definitions of "advanced life support" and "basic life support" and defining "emergency medical condition"; amending s. 401.252, F.S.; authorizing physician assistants to conduct interfacility transfers in a permitted ambulance under certain circumstances; amending s. 401.27, F.S.; providing that the course on conditions caused by nuclear, biological, and chemical terrorism shall count toward the total required hours for biennial recertification of emergency medical technicians and paramedics; amending s. 456.033, F.S.; providing a requirement for instruction of certain health care practitioners on conditions caused by nuclear, biological, and chemical terrorism as a condition of initial licensure and, in lieu of the requirement for instruction on HIV and AIDS, as part of biennial relicensure; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain federal health standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; creating s. 456.0345, F.S.; providing continuing education credits to health care practitioners for certain life support training; amending s. 456.072, F.S.; conforming provisions relating to grounds for disciplinary actions to changes in health care practitioners' course requirements; amending s. 456.38, F.S.; revising provisions relating to the health care practitioner registry for disasters and emergencies; prohibiting certain termination of or discrimination against a practitioner providing disaster medical assistance; amending ss. 458.319 and 459.008, F.S.; conforming provisions relating to exceptions to continuing education requirements for physicians and osteopathic physicians; amending ss. 401.2715, 633.35, and 943.135, F.S.; authorizing certain substitution of terrorism response training for other training required for recertification of emergency medical technicians and paramedics, certification of firefighters, and continued employment or appointment of law enforcement officers, correctional officers, and correctional probation officers; authorizing rulemaking; amending s. 456.073, F.S.; revising procedures and timeframes for formal hearings of health care practitioner disciplinary cases; requiring a joint audit by the Office of Program Policy Analysis and Government Accountability and the

Auditor General of hearings conducted by the Division of Administrative Hearings and the charges therefor; requiring a report and recommendations to the Legislature; amending s. 456.076, F.S.; requiring each impaired practitioner to pay a portion of the costs of the consultant and impaired practitioner program and the full cost of the required treatment program or plan; providing exceptions; repealing s. 456.047, F.S., relating to the standardized credentialing program for health care practitioners; prohibiting the refund of moneys collected through the credentialing program; amending ss. 456.039, 456.0391, 456.072, and 456.077, F.S.; revising references, to conform; amending s. 458.309, F.S.; requiring accreditation of physician offices in which surgery is performed; providing Board of Medicine rulemaking authority; amending s. 459.005, F.S.; requiring accreditation of osteopathic physician offices in which surgery is performed; providing Board of Medicine rulemaking authority; amending s. 456.004, F.S., relating to powers and duties of the Department of Health; requiring performance measures for certain entities; providing procedures for considering board requests to privatize regulatory functions; amending s. 456.009, F.S.; requiring performance measures for certain legal and investigative services and annual review of such services to determine whether such performance measures are being met; amending s. 456.011, F.S.; requiring regulatory board committee meetings, including probable cause panels, to be held electronically unless certain conditions are met; providing for determination of location of in-person meetings; amending s. 456.026, F.S.; requiring inclusion of performance measures for certain entities in the department's annual report to the Legislature; creating s. 458.3093, F.S.; requiring submission of credentials for initial physician licensure to a national licensure verification service; requiring verification of such credentials by that service or an equivalent program; creating s. 459.0053, F.S.; requiring submission of credentials for initial osteopathic physician licensure to a national licensure verification service; requiring verification of such credentials by that service, a specified association, or an equivalent program; amending ss. 458.331, 459.015, and 627.912, F.S.; increasing certain repeated malpractice claims payment amounts constituting grounds for disciplinary action or denial of a license; revising certain malpractice claims reporting requirements; amending s. 456.073, F.S.; requiring health care practitioner licensees to pay certain costs of investigation and prosecution under certain circumstances; requiring cases in which no probable cause has been found to be closed within a specified period of time; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the field office structure and organization of the Agency for Health Care Administration and to report to the Legislature; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; creating s. 456.0165, F.S.; restricting the costs that may be charged by educational institutions hosting health care practitioner licensure examinations; amending s. 468.302, F.S.; authorizing certified nuclear medicine technologists to administer X radiation from certain devices under certain circumstances; exempting certain persons from radiologic technologist certification and providing certain training requirements for such exemption; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; amending s. 468.80, F.S.; expanding the definition of "orthosis"; requiring applications for health care practitioner licensure and licensure renewal to be submitted electronically beginning July 1, 2003, with certain exceptions; providing for transition to such electronic licensure; annually adjusting by 2.5 percent the statutory fee caps applicable to regulation of health care practitioners; renumbering ss. 381.0602, 381.6021, 381.6022, 381.6023, 381.6024, and 381.6026, F.S., and renumbering and amending ss. 381.60225 and 381.6025, F.S., to transfer provisions relating to organ and tissue procurement, donation, and transplantation to pt. V of ch. 765, F.S., relating to anatomical gifts; revising cross references, to conform; amending ss. 395.2050, 409.815, 765.5216, and 765.522, F.S.; revising cross references, to conform; amending s. 400.925, F.S.; eliminating the regulation of certain home medical equipment by the Agency for Health Care Administration;

amending s. 765.104, F.S.; authorizing a patient whose legal disability is removed to amend or revoke the recognition of a medical proxy and any uncompleted decision made by that proxy; specifying when the amendment or revocation takes effect; amending s. 765.401, F.S.; providing for health care decisions for persons having a developmental disability; amending s. 457.1085, F.S.; removing obsolete dates relating to adoption of rules relating to infection control; amending s. 457.109, F.S.; prohibiting the use of certain titles relating to the practice of acupuncture unless properly licensed and certified; providing penalties; amending s. 457.116, F.S.; increasing the penalties applicable to prohibited acts relating to the practice of acupuncture; amending s. 395.002, F.S.; defining "surgical first assistant"; amending s. 395.0197, F.S.; allowing an operating surgeon to choose the surgical first assistant under certain conditions; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits for onsite sewage treatment and disposal systems; amending s. 627.638, F.S.; requiring direct payment of benefits for hospital or medical services under certain circumstances; amending s. 766.101, F.S.; expanding the definition of "medical review committee" for purposes of immunity from liability; amending s. 627.357, F.S., relating to medical malpractice insurance; providing requirements to apply to form a self-insurance fund; amending s. 631.54, F.S.; revising the definition of "member insurer" to include certain medical malpractice self-insurance funds; designating a service district of the Department of Children and Family Services to inspect certain residential child-caring agencies within Hardee County; requiring the Agency for Health Care Administration to conduct a study of health care services provided to children who are medically fragile or dependent on medical technology; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; amending s. 393.064, F.S.; transferring certain contract authority from the Department of Children and Family Services to the Department of Health; creating a commission within the Board of Medicine to conduct a study of anesthesiologist assistants; providing for membership; providing responsibilities of the commission; providing for reimbursement of certain expenses; requiring a report; authorizing the board to file proposed rules concerning the licensure of anesthesiologist assistants; providing for future repeal; providing effective dates.

Filed.

By Representatives Diaz-Balart and Fasano—

HB 25-E—A bill to be entitled An act relating to health care; providing legislative findings and intent relating to health flex plans; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; authorizing the Agency for Health Care Administration and the Department of Insurance to adopt rules; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; requiring a report; providing for future repeal; establishing the Florida Alzheimer's Center and Research Institute at the University of South Florida; requiring the State Board of Education to enter into an agreement with a not-for-profit corporation for the governance and operation of the institute; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing powers of the corporation; providing for a board of directors of the corporation and the appointment and terms of its membership; authorizing the State Board of Education to secure and provide liability protection; providing for an annual audit and report; providing for assumption of certain responsibilities of the corporation by the State Board of Education under certain circumstances; providing for administration of the institute;

providing for disbursal and use of income; providing for reporting of activities; requiring the appointment of a council of scientific advisers; providing responsibilities and terms of the council; providing that the corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11), F.S.; amending s. 408.7057, F.S.; redesignating a program title; revising definitions; including preferred provider organizations and health insurers in the claim dispute resolution program; specifying timeframes for submission of supporting documentation necessary for dispute resolution; providing consequences for failure to comply; providing additional responsibilities for the agency relating to patterns of claim disputes; providing timeframes for review by the resolution organization; directing the agency to notify appropriate licensure and certification entities as part of violation of final orders; amending s. 456.053, F.S.; revising a definition; amending s. 626.88, F.S.; redefining the term "administrator," with respect to regulation of insurance administrators; creating s. 627.6131, F.S.; specifying payment-of-claims provisions applicable to certain health insurers; providing a definition; providing requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; specifying rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from an insured under certain circumstances; providing applicability; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 627.651, F.S.; conforming a cross reference; amending s. 627.662, F.S.; specifying application of certain additional provisions to group, blanket, and franchise health insurance; amending s. 627.6699, F.S.; allowing carriers to separate the experience of small employer groups having fewer than two employees; restricting application of certain laws to health plan policies under certain circumstances; amending s. 641.185, F.S.; specifying that health maintenance organization subscribers should receive prompt payment from the organization; amending s. 641.234, F.S.; specifying responsibility of a health maintenance organization for certain violations under certain circumstances; amending s. 641.30, F.S.; conforming a cross reference; amending s. 641.3154, F.S.; modifying the circumstances under which a provider knows that an organization is liable for service reimbursement; amending s. 641.3155, F.S.; revising payment of claims provisions applicable to certain health maintenance organizations; providing a definition; providing requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; revising rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from a subscriber under certain circumstances; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 641.51, F.S.; revising provisions governing examinations by ophthalmologists; providing construction; providing effective dates.

Filed.

By the Fiscal Responsibility Council; Representative Lacasa—

HB 27-E—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2002, and ending June 30, 2003, to pay salaries, and other expenses, capital outlay

- buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Fiscal Responsibility Council; Representative Lacasa—

HB 29-E—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; amending s. 229.085, F.S.; exempting personnel employed to plan and administer grants or contracts for specific educational projects from requirements for positions in excess of those authorized; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 236.081, F.S.; deferring application of a method for adjusting a school district's full-time equivalent membership; providing district school boards flexibility in the use of certain categorical appropriations for purposes of academic classroom instruction; amending s. 236.7011, F.S.; deferring application of a restriction on the expenditure of funds received from the indirect cost allowance on federal grants; providing limitation on state appropriations for Knott Data Center and Projects, Contracts, and Grants Programs; amending s. 240.4015, F.S.; extending the time initial award recipients have to complete certain examinations under the Florida Bright Futures Scholarship Testing Program; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 401.113, F.S.; providing that moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program; amending s. 295.182, F.S.; authorizing contributions to the Florida World War II Veterans Memorial Matching Trust Fund from public bodies; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 932.7055, F.S.; allowing municipal special law enforcement trust funds to be used to reimburse certain loans from municipalities; amending s. 375.041, F.S.; providing for use of moneys allocated to the Land Acquisition Trust Fund as provided in the General Appropriations Act; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund as provided in the General Appropriations Act; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water

management districts, upon request; amending s. 581.1845, F.S.; revising eligibility for compensation of homeowners under the citrus canker eradication program; prescribing the amount of compensation for trees taken in the citrus canker eradication program; amending s. 373.470, F.S.; removing a requirement to deposit certain funds into the Save Our Everglades Trust Fund; amending s. 216.181, F.S.; allowing transfers of positions and funds among departments necessary for implementation of the office of Chief Financial Officer; requiring approval by the Legislative Budget Commission; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; amending s. 215.981, F.S.; exempting certain citizen support organizations for the Department of Environmental Protection from the requirement to have an independent audit; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 403.1835, F.S.; authorizing a temporary moratorium in certain counties on reserve requirements for certain water pollution control loans; exempting thoroughbred permitholders from fine or suspension or revocation of license or permit for failure to meet performance and tax requirements; amending s. 110.152, F.S.; authorizing the Department of Management Services to make lump-sum payments for adoption benefits for state employees; amending s. 110.2035, F.S.; revising provisions governing the classification and compensation program for state employees; requiring the Department of Management Services to adopt rules, including emergency rules, necessary to implement such program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent on a comprehensive plan or plan amendment; amending s. 252.373, F.S.; providing for use of certain funds of the Emergency Management, Preparedness, and Assistance Trust Fund for purposes of local disaster preparedness and as state match for federally approved Hazard Mitigation Grant Program projects; amending s. 288.063, F.S.; providing that certain transportation projects may be designated and funded by the Legislature as necessary for economic development; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 125.35, F.S.; authorizing counties to lease certain property in empowerment zones for certain public purposes; amending s. 338.2216, F.S.; providing that certain positions under the Florida Turnpike Enterprise remain in the career service; amending s. 215.20, F.S.; appropriating the service charges on certain income and trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain income and trust funds from such appropriation; amending s. 18.10, F.S.; appropriating certain investment earnings to the General Revenue Fund; amending s. 18.125, F.S.; revising investment requirements for certain trust funds; amending ss. 14.2015, 240.4075, 385.207, 860.158, and 938.01, F.S., to conform; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representative Harrell—

HB 31-E—A bill to be entitled An act relating to public records; exempting from public-records requirements complaints filed with the Statewide Complaint Receipt and Referral Center; providing guidelines

for the use of such information; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

Filed.

By Representative Goodlette—

HB 33-E—A bill to be entitled An act relating to public-records exemptions; exempting personal identifying information contained in armed forces military-separation forms from disclosure when held by the clerk of the court; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

Filed.

By Representative Crow—

HB 35-E—A bill to be entitled An act relating to a public records exemption; creating a public records exemption for the identity of a recipient of certain controlled substances, a dispenser's National Association of Boards of Pharmacy number, and a practitioner's United States Drug Enforcement Administration number, held by the Department of Health and contained in the department's electronic prescription monitoring system; creating a public records exemption for the identity of a patient to whom a controlled substance has been prescribed and such patient's address, held by the Department of Health under specified authority and also contained in the department's electronic prescription monitoring system; providing exceptions to the exemption; providing penalties; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on State Administration.

By Representatives Diaz-Balart, Fasano, Rubio, and Murman—

HB 37-E—A bill to be entitled An act relating to health care; providing legislative findings and legislative intent regarding health flex plans; defining terms; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; authorizing the Agency for Health Care Administration and the Department of Insurance to adopt rules; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; requiring a report with specified evaluation elements; providing for future repeal; establishing the Florida Alzheimer's Center and Research Institute at the University of South Florida; requiring the State Board of Education to enter into an agreement with a not-for-profit corporation for the governance and operation of the institute; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing powers of the corporation; providing for a board of directors of the corporation and the appointment and terms of its membership; authorizing the State Board of Education to secure and provide liability protection; providing for an annual audit and report; providing for assumption of certain responsibilities of the corporation by the State Board of Education under certain circumstances; providing for administration of the institute; providing for disbursement and use of income; providing for reporting of activities; requiring the appointment of a council of scientific advisers; providing responsibilities and terms of the council; providing that the corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11), F.S.; amending s. 408.7057, F.S.; redesignating a program title; revising definitions; including preferred provider organizations and health insurers in the claim dispute resolution program; specifying timeframes for submission of supporting documentation necessary for dispute resolution; providing consequences for failure to comply; providing additional responsibilities for the agency relating to patterns of claim disputes; providing

timeframes for review by the resolution organization; directing the agency to notify appropriate licensure and certification entities as part of violation of final orders; amending s. 626.88, F.S.; redefining the term "administrator," with respect to regulation of insurance administrators; creating s. 627.6131, F.S.; specifying payment-of-claims provisions applicable to certain health insurers; providing a definition; providing requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; specifying rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from an insured under certain circumstances; providing applicability; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 627.651, F.S.; conforming a cross-reference; amending s. 627.662, F.S.; specifying application of certain additional provisions to group, blanket, and franchise health insurance; amending s. 641.185, F.S.; specifying that health maintenance organization subscribers should receive prompt payment from the organization; amending s. 641.234, F.S.; specifying responsibility of a health maintenance organization for certain violations under certain circumstances; amending s. 641.30, F.S.; conforming a cross-reference; amending s. 641.3154, F.S.; modifying the circumstances under which a provider knows that an organization is liable for service reimbursement; amending s. 641.3155, F.S.; revising payment of claims provisions applicable to certain health maintenance organizations; providing a definition; providing requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; revising rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from a subscriber under certain circumstances; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 641.51, F.S.; revising provisions governing examinations by ophthalmologists; amending s. 456.053, F.S., the "Patient Self-Referral Act of 1992"; redefining the term "referral" by revising the list of practices that constitute exceptions; amending s. 627.6699, F.S.; allowing carriers to separate the experience of small-employer groups having fewer than two employees; restricting application of certain laws to health plan policies under certain circumstances; providing for construction of laws enacted at the 2002 Regular Session in relation to this act; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representative Andrews—

HB 39-E—A bill to be entitled An act relating to incentives to promote new product development; providing a short title; creating s. 288.1172, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and the Department of Revenue; providing requirements for product development agreements; providing that donor companies may be granted a credit which may be used as a corporate income tax credit; requiring the office to certify certain amounts to the department; requiring the department to make certain distributions; authorizing donor companies to elect to change the type of credit under certain circumstances; providing

requirements for such election; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; relieving receiving companies of payments to donor companies under certain circumstances; providing remedies against a donor company when a receiving company fails to remit funds; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies that so elect; providing for carryover of the credit; providing for rules; amending s. 220.02, F.S.; providing order of credits against the corporate income tax; providing an effective date.

Filed.

By Representative Byrd—

HB 41-E—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; increasing that portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to finance a cancer research facility at the University of South Florida; amending s. 210.201, F.S.; providing for the use of the transferred moneys; authorizing, rather than requiring, replacement of such moneys by tobacco settlement proceeds; providing an effective date.

Filed.

By Representative Byrd—

HB 43-E—A bill to be entitled An act relating to the confidentiality of information relating to the not-for-profit corporation which governs and operates the Florida Alzheimer's Center and Research Institute or its subsidiaries; providing exemptions from the public records and meetings provisions of the Florida Constitution and Florida law for certain records and meetings of the not-for-profit corporation governing and operating the Florida Alzheimer's Center and Research Institute and of certain records and meetings of subsidiaries of such not-for-profit corporation; providing a statement of public necessity for such exemptions; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representative Goodlette—

HB 45-E—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; providing for election or appointment by the Governor; providing an effective date.

Filed.

By Representative Meadows—

HB 47-E—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private-sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and

Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; creating an infant crib safety enforcement demonstration program; providing that crib inspections are not required in certain counties for a specified time; requiring crib inspections in certain counties for a specified time; providing requirements for crib inspections by the Department of Business and Professional Regulation; requiring transient public lodging establishments to provide for inspection of cribs; requiring a report; providing for rulemaking by the Department of Business and Professional Regulation; providing for expiration of the demonstration program; providing for construction of act in pari materia with prior acts; providing an effective date.

Filed.

By Representative Kilmer—

HB 49-E—A bill to be entitled An act relating to economic development; amending s. 288.0655, F.S.; providing for additional uses of moneys in the Rural Infrastructure Fund; amending s. 288.095, F.S.; revising terminology relating to certain incentive payment schedules; revising the due date and content for an annual report on incentives and reassigning responsibility for such report to Enterprise Florida, Inc.; amending s. 288.1045, F.S., relating to the tax refund program for qualified defense contractors; revising definitions; revising conditions and procedures governing applications for tax refunds; revising provisions relating to the order authorizing a tax refund; revising the required elements of a tax refund agreement; providing an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors or specific acts of terrorism; prescribing a deadline for applying for tax refunds; authorizing the office to grant extensions to certain application and notification deadlines; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated refund; specifying that the section does not create a presumption a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of current and new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; providing for an exemption from mandatory loss of tax refund eligibility and decertification resulting from agreement breach in cases of uncontrollable economic factors or specific acts of terrorism; revising provisions relating to annual claims for refund; authorizing an extension of time for signing the tax refund agreement; providing an application deadline; revising provisions relating to the order authorizing a tax refund; revising conditions under which a prorated tax refund will be approved; providing for calculation of such prorated tax refund; specifying that the section does not create a presumption that a claim will be approved and paid; revising the agencies with which the office may verify information and to which the office may provide information; expanding purposes for which the office may seek assistance from certain entities; specifying that certain appropriations may not be used for any purpose other than the payment of specified tax refunds; amending ss. 212.08 and 288.108, F.S.; removing references, to conform; providing for construction of the act in pari materia with laws enacted at the 2002 Regular Session; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representative Murman—

HB 51-E—A bill to be entitled An act relating to health flex plans; providing legislative findings and intent; providing definitions;

providing for a pilot program for health flex plans for certain uninsured persons; providing criteria for approval of health flex plans; delineating the responsibilities of the Agency for Health Care Administration and the Department of Insurance; exempting approved health flex plans from certain regulatory requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan entities to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying that coverage under an approved health flex plan is not an entitlement; requiring an evaluation and report; providing for subsequent repeal; providing an effective date.

Filed.

By the Fiscal Responsibility Council; Representative Murman—

HB 53-E—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 216.181, F.S.; providing for the use of funds by the department; amending s. 394.74, F.S.; prescribing a specified contract requirement for local substance abuse and mental health programs; amending s. 394.908, F.S.; revising provisions governing substance abuse and mental health funding equity; amending s. 414.035, F.S.; revising provisions authorizing expenditures by the department for assistance for needy families; amending s. 409.16745, F.S.; abrogating the repeal of the community partnership matching grant program; authorizing the sale of specified hospital complexes and providing for the use of the proceeds; providing an effective date.

Filed.

By the Fiscal Responsibility Council; Representative Johnson—

HB 55-E—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Education; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

Filed.

By the Fiscal Responsibility Council; Representative Johnson—

HB 57-E—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

Filed.

By the Fiscal Responsibility Council; Representative Murman—

HB 59-E—A bill to be entitled An act relating to health care; amending s. 112.3187, F.S.; revising procedures and requirements relating to whistle-blower protection for reporting Medicaid fraud or abuse; amending s. 400.179, F.S.; providing an alternative to certain bond requirements for protection against nursing home Medicaid overpayments; providing for review and rulemaking authority of the Agency for Health Care Administration; providing for future repeal; requiring a report; creating s. 408.831, F.S.; authorizing the Agency for Health Care Administration to take action against a regulated entity under certain circumstances; reenacting s. 409.8132(4), F.S., to incorporate amendments to ss. 409.902, 409.907, 409.908, and 409.913, F.S., in references thereto; amending s. 409.8177, F.S.; requiring the agency to contract for evaluation of the Florida Kidcare program; amending s. 409.902, F.S.; requiring consent for release of medical records to the agency and the Medicaid Fraud Control Unit as a condition of Medicaid eligibility; amending s. 409.903, F.S.; revising eligibility for certain Medicaid mandatory medical assistance; amending s. 409.904, F.S.; revising eligibility standards for certain Medicaid optional medical assistance; amending s. 409.9065, F.S.; revising eligibility standards for the pharmaceutical expense assistance

program; amending s. 409.907, F.S.; prescribing additional requirements with respect to Medicaid provider enrollment; requiring the agency to deny a provider's application under certain circumstances; amending s. 409.908, F.S.; requiring retroactive calculation of cost report if requirements for cost reporting are not met; revising provisions relating to rate adjustments to offset the cost of general and professional liability insurance for nursing homes; extending authorization for special Medicaid payments to qualified providers; providing for intergovernmental transfer of payments; amending s. 409.911, F.S.; expanding application of definitions; amending s. 409.9116, F.S.; revising applicability of the disproportionate share/financial assistance program for rural hospitals; amending s. 409.91195, F.S.; granting interested parties opportunity to present public testimony before the Medicaid Pharmaceutical and Therapeutics Committee; amending s. 409.912, F.S.; providing requirements for contracts for Medicaid behavioral health care services; amending s. 409.9122, F.S.; revising procedures relating to assignment of a Medicaid recipient to a managed care plan or MediPass provider; granting agency discretion to renew contracts; amending s. 409.913, F.S.; requiring the agency and the Medicaid Fraud Control Unit to annually submit a joint report to the Legislature; defining the term "complaint" with respect to Medicaid fraud or abuse; specifying additional requirements for the Medicaid program integrity program and the Medicaid Fraud Control Unit; providing additional sanctions and disincentives which may be imposed; providing additional grounds for termination of a provider's participation in the Medicaid program; providing additional requirements for administrative hearings; providing additional grounds for withholding payments to a provider; authorizing the agency and the Medicaid Fraud Control Unit to review certain records; amending s. 409.920, F.S.; providing additional duties of the Attorney General with respect to Medicaid fraud control; amending s. 624.91, F.S.; revising duties of the Florida Healthy Kids Corporation with respect to annual determination of participation in the Healthy Kids program; prescribing duties of the corporation in establishing local match requirements; revising composition of the board of directors; amending s. 383.19, F.S.; revising limitation on the establishment of regional perinatal intensive care centers; amending s. 393.063, F.S.; revising definition of the term "intermediate care facility for the developmentally disabled" for purposes of ch. 393, F.S.; amending ss. 400.965 and 400.968, F.S.; providing penalties for violation of pt. XI of ch. 400, F.S., relating to intermediate care facilities for developmentally disabled persons; requiring the Department of Children and Family Services to develop and implement a comprehensive redesign of the home and community-based services delivery system for persons with developmental disabilities; restricting certain release of funds; providing an implementation schedule; requiring the Agency for Health Care Administration to conduct a study of health care services provided to children who are medically fragile or dependent on medical technology; requiring the agency to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan or seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership and duties of the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; requiring the agency to make recommendations to the Legislature regarding limitations on certain Medicaid provider reimbursements; providing guidelines for the agency regarding distribution of disproportionate share funds during the 2002-2003 fiscal year; directing the Office of Program Policy Analysis and Government Accountability to perform a study of county contributions to Medicaid nursing home costs; requiring a report and recommendations; repealing s. 1, ch. 2001-377, Laws of Florida, relating to eligibility of specified persons for certain optional medical assistance; providing severability; providing effective dates.

Filed.

By Representative Frankel—

HB 61-E—A bill to be entitled An act relating to the corporate income tax; specifying nonapplication of certain provisions of the Internal

Revenue Code under the Florida Income Tax Code for certain purposes; requiring the Department of Revenue to adopt certain rules; providing an appropriation; specifying distribution and uses of certain moneys; providing for retroactive effect; providing an effective date.

Filed.

By Representative Frankel—

HB 63-E—A bill to be entitled An act relating to economic recovery; providing legislative intent; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period; providing requirements and limitations; requiring employers to respond to requests for certain information and providing a penalty for failing to respond; providing for adjustments in determinations of monetary eligibility; amending s. 443.111, F.S.; providing an increase in weekly benefit amounts for a limited time period; providing the total amount of benefits; providing construction; providing an effective date.

Filed.

By Representative Goodlette—

HB 65-E—A bill to be entitled An act relating to constitutional amendments proposed by initiative; amending ss. 100.371 and 101.161, F.S.; requiring the Revenue Estimating Conference to provide an analysis of the estimated fiscal impact to state or local governments resulting from any constitutional amendment proposed by initiative; authorizing the Revenue Estimating Conference to solicit information regarding a proposed initiative amendment; providing for a decision in the event of a tie vote among members of the Revenue Estimating Conference; requiring that a summary analysis of the estimated fiscal impact be included on the ballot following the ballot title and substance of the initiative; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representative Byrd—

HB 67-E—A bill to be entitled An act relating to boards of trustees of state universities; amending s. 766.112, F.S.; prescribing applicability of provisions relating to comparative fault with respect to medical malpractice to boards of trustees; amending s. 768.28, F.S.; providing for venue of actions brought against boards of trustees; providing for applicability of provisions relating to waiver of sovereign immunity to boards of trustees; amending s. 626.852, F.S.; providing for the inapplicability of certain provisions relating to insurance adjusters to employees and agents of boards of trustees; providing an effective date.

Filed.

By Representatives Brummer and Johnson—

HB 69-E—A bill to be entitled An act relating to the Transportation Disadvantaged Program; amending s. 343.64, F.S.; prohibiting the Central Florida Regional Transportation Authority from serving as a community transportation coordinator; requiring the Commission for the Transportation Disadvantaged to evaluate performance of the authority as a community transportation coordinator; requiring a report to the Legislature; providing for the authority to continue as a community transportation coordinator upon certain findings by the Legislature; repealing section 1, SB 100, 2002 Regular Session, relating to the authority acting as a community transportation coordinator; providing an effective date.

Filed.

By Representatives Murman and Detert—

HB 71-E—A bill to be entitled An act relating to the Department of Children and Family Services; creating s. 839.27, F.S.; providing definitions; specifying unlawful acts relating to records of investigations

of abuse of a child, elderly person, or disabled adult; providing penalties; requiring imposition of sentence for violations; providing for certain disposal or archiving of records; providing for certain correcting and updating of records; providing an effective date.

Filed.

By Representative Green—

HB 73-E—A bill to be entitled An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

Filed.

First Reading of Council and Committee Substitutes by Publication

By the Committee on Health & Human Services Appropriations; Representatives Crow, Fasano, and Goodlette—

CS/HB 15-E—A bill to be entitled An act relating to health care; providing for specified licensing boards to adopt rules governing the prescribing of controlled substances in emergency department settings; requiring certain health care providers to complete education courses relating to the prescription and pharmacology of controlled substances; providing penalties; providing for the emergency suspension of certain licenses for prescribing violations; requiring law enforcement agencies, the Department of Health, the Medical Examiners Commission within the Department of Law Enforcement, the statewide prosecutor, and state attorneys to share certain information regarding health care practitioners; requiring a study and a report; requiring the Department of Health to establish an electronic system to monitor the prescribing of certain controlled substances; establishing an advisory council and providing for its membership, duties, staff, and compensation; providing funding provisions for implementation; amending s. 456.033, F.S.; eliminating certain requirements for HIV and AIDS education courses; repealing ss. 458.319(4) and 459.008(5), F.S., relating to continuing education requirements for renewal of licensure by physicians and osteopathic physicians, to conform; amending s. 456.072, F.S.; revising disciplinary penalties applicable to health care practitioners; reenacting ss. 456.082(2), 457.109(1) and (2), 458.331(1) and (2), 458.347(7)(g), 459.015(1) and (2), 459.022(7)(f), 460.413(1) and (2), 461.013(1) and (2), 462.14(1) and (2), 463.016(1) and (2), 464.018(1) and (2), 465.016(1) and (2), 466.028(1) and (2), 467.203(1) and (2), 468.1295(1) and (2), 468.1755(1) and (2), 468.217(1) and (2), 468.365(1) and (2), 468.518(1) and (2), 468.719, 468.811, 478.52(1) and (2), 480.046(1) and (2), 483.825(1) and (2), 483.901(6)(g) and (h), 484.014(1) and (2), 484.056(1) and (2)(a), 486.125(1) and (2), 490.009, and 491.009, F.S., relating to grounds for disciplinary action applicable to persons involved in health care practice, including acupuncture, medical practice, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, midwifery, speech-language pathology and audiology, nursing home administration, occupational therapy, respiratory therapy, dietetics and nutrition practice, athletic trainers, orthotics, prosthetics, and pedorthics, electrolysis, massage practice, clinical laboratory personnel, medical physicists, dispensing of optical devices and hearing aids, physical therapy practice, psychological services, and clinical, counseling, and psychotherapy services, to incorporate the amendment to s. 456.072, F.S., in references thereto; amending s. 458.345, F.S.; requiring certain resident physicians, interns, and fellows to complete an educational course in the

prescribing and pharmacology of controlled substances; amending s. 461.013, F.S.; prohibiting the presigning of blank prescription forms and providing penalties; amending s. 893.04, F.S.; providing additional requirements for pharmacists regarding the identification of persons to whom controlled substances are dispensed; prohibiting certain prescribing practitioners from possessing, administering, dispensing, or prescribing controlled substances; amending s. 499.007, F.S.; revising provisions relating to misbranded drugs and devices; prohibiting school personnel from recommending the use of psychotropic drugs for any student; providing a contingent effective date.

Reports of Councils and Standing Committees

Council Reports

Received May 1:

The Council for Lifelong Learning recommends the following pass:
HB 11-E

The above bill was placed on the Calendar.

The Council for Healthy Communities recommends the following pass:
HB 15-E, with 8 amendments

The above bill was referred to the Committee on Health & Human Services Appropriations.

Committee Reports

Received May 1:

The Committee on Fiscal Policy & Resources recommends the following pass:
HB 9-E (fiscal note attached)

The above bill was placed on the Calendar.

The Committee on State Administration recommends the following pass:
HB 35-E, with 1 amendment

The above bill was placed on the Calendar.

The Committee on Health & Human Services Appropriations recommends a committee substitute for the following:
HB 15-E (fiscal note attached)

The above committee substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 15-E was laid on the table.

Communications

Vetoed Bills

The following veto messages were received:

The Honorable Tom Feeney
Speaker, House of Representatives

April 25, 2002

Dear Mr. Speaker:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the House, the following 2002 vetoed bills, Regular Session. The Governor's objections are attached thereto.

HB	447	An act relating to the North River Fire District, Manatee County; . . .
HB	1033	An act relating to the Bayshore Fire Protection and Rescue District, Lee County; . . .
CS/HB	1683	An act relating to switched network access rates; . . .

Sincerely,
KATHERINE HARRIS
Secretary of State

The Honorable Katherine Harris
Secretary of State

April 23, 2002

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, House Bill 447, enacted during the 104th Session of the Legislature, since statehood in 1845, during the Regular Session of 2002, and entitled:

An act relating to the North River Fire District,
Manatee County . . .

This local bill codifies all prior special acts relating to the district into a single act. At the same time, the bill makes substantive changes to the act including removal of the caps on impact fees which may be levied on new construction and changing the method for calculation of the non ad-valorem assessments.

Given the diverse nature of issues addressed in local bills, I have developed standard criteria by which to evaluate these bills. The criteria generally provide that citizens impacted by revisions to the authority of the special district should be provided an opportunity for input in the form of a referendum. As stated before, this bill materially increases the authority to the district to increase the fees which may be levied for new construction and non ad-valorem assessments. The special district failed to seek the input of its taxpayers who could be significantly and adversely impacted by the changes. House Bill 447 does not afford an opportunity for citizens to vote on the matter of taxation.

For this reason, I am withholding my approval of House Bill 447, and do hereby veto the same.

Sincerely,
JEB BUSH
Governor

The Honorable Katherine Harris
Secretary of State

April 23, 2002

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, House Bill 1033, enacted during the 104th Session of the Legislature, since statehood in 1845, during the Regular Session of 2002, and entitled:

An act relating to the Bayshore Fire Protection and Rescue District,
Lee County . . .

This local bill codifies all prior special acts relating to the district into a single act. At the same time, the bill makes substantive changes to the act including granting the Bayshore Fire Protection and Rescue District new authority to levy non-ad valorem taxes. The bill also increases the maximum assessable tax rate without a referendum.

I have developed standard criteria by which to evaluate these bills. The criteria generally provide that citizens impacted by revisions to the authority of the special district should be provided an opportunity for expressing their views in the form of a referendum. As stated before, this bill materially increases the authority to the district to increase the assessments which may be levied and new taxes for non ad-valorem assessments. The special district failed to seek the consent of its taxpayers who could be significantly and adversely impacted by the changes. House Bill 1033 does not afford an opportunity for citizens to vote on the matter of taxation.

For this reason, I am withholding my approval of House Bill 1033, and do hereby veto the same.

Sincerely,
JEB BUSH
Governor

The Honorable Katherine Harris
Secretary of State

April 23, 2002

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections to Committee Substitute for House Bill 1683, enacted during the 104th Session of the Legislature, since statehood in 1845, during the Regular Session of 2002, and entitled:

An act relating to switched network access rates...

This bill provides for the reduction of intrastate switched network access fees paid by long distance companies to local telephone companies for the use of the local network to deliver long distance calls. The bill permits local phone companies to increase fees for basic local telephone services in an amount equal to the revenue lost by the reduction in access revenues, in order to encourage competition in the local telecommunications market and lower intrastate long distance rates.

On a positive note, the bill does increase access to the Lifeline Assistance Program, which makes local telephone service more accessible and affordable for economically disadvantaged consumers. Although 850,000 households presently qualify for this assistance, only 16% are currently taking advantage of the program. The bill also allows state agencies to contact qualified individuals about this program. A similar notification provision in the 2001 Appropriations Act allowed for the Department of Children and Families to automate this process; unfortunately, language needed for implementation was not included. I hope the Legislature will pass clarifying language to enact the current year appropriation or re-appropriate these funds in the 2002-03 budget during the upcoming Special Session. Increasing the unacceptably low enrollment rate of elderly and needy Floridians should be a priority during the next year.

The recent collaborative efforts by the PSC and the AARP, as well as Bellsouth in selected areas and the telecommunications industry throughout the state, to increase the usage of Lifeline should be fully recognized and applauded. Their commitment now will, over time, yield an environment that is more conducive to greater competition in the future.

During the 2002 Regular Session of the Legislature, Committee Substitute for House Bill 1683 passed both chambers with bi-partisan sponsorship and support. The goal of the legislation was well-intentioned—increasing choice and competition for local telephone consumers. The provisions of this bill will impact millions of Floridians, not just a limited segment of the population. Because of the breadth and scope of Committee Substitute for House Bill 1683, determining whether the necessary groundwork is in place for this historic change weighs heavily in my decision-making process. And in the end, after weeks of reviewing the bill, countless meetings, research and reflection, I believe that more can be done so that we can comfortably say we are doing the right thing. Specifically, my concerns are as follows:

First, in its initial iteration, the bill contained a narrow regulatory path to achieve its objective. During the process, the prescriptive nature of the bill was modified slightly to allow more oversight by the Public Service Commission (PSC), the established agency of telecommunications policy and regulation.

Since the legislation passed, our legal office has reviewed the role of the Public Service Commission as it relates to this bill. While the latter version of the legislation certainly places more responsibility with the appropriate body, there still appears to be a high degree of ambiguity over how much authority the PSC has, and how these key provisions could be interpreted or implemented. At its best, the bill gives the PSC ample flexibility to make a professional and deliberative determination. At its worst, the bill's ambiguities and circular logic tie the hands of the PSC through the "legislative findings" and "criteria," thereby thwarting the careful oversight of these changes. I am concerned that the bill may be interpreted to leave little discretion for the PSC to answer the important questions that the commission must address. So, when in

doubt, the commission must rely on the "legislative findings" as prescribed in the bill, not their trained judgment. It also appears that the bill limits the amount of information that the PSC could request from telephone companies to determine key elements of the application process.

Second, as for greater competition in local phone markets, this bill does not guarantee that competing companies will enter into the residential markets. One critical factor to encourage competition is establishing proper wholesale pricing of the underlying telephone network. While the PSC has already set some wholesale prices, a case pending before the commission will set prices for the remaining major local phone companies. Setting these wholesale prices is a key element in creating a competitive environment.

In addition, it is important to note that the "access fees" charged by local telephone companies are a declining source of revenue for these entities. This is a result of more options being made available through wireless and broadband services. Yet, this bill locks in access fee revenues at their current level by shifting the difference between what is currently charged and the reduction to basic local phone service rates. So, at a time when access revenues are in decline, this legislation would insulate incumbent companies from the impacts of competing long distance and wireless markets.

A better path would allow the PSC the authority to determine the proper level for access and local service rates to enhance competition in the local market. Further, the PSC should conduct a thorough review of all factors that might inhibit competition in the local markets and make recommendations for the removal of these artificial barriers.

In the end, while I have the utmost respect for the opinion and views of the Legislature and the Attorney General, the subject matter of this bill is complex and multi-faceted, making it especially appropriate for our hired public utility professionals to oversee this transition. Although I know there is some discomfort with the PSC by the regulated industries, I firmly believe the Legislature should pronounce its policy and then grant the PSC broad discretion to implement change. The PSC should have the tools necessary to assess every possible impact on consumers and markets to craft a resolution that creates the best environment for competition to occur.

Increasing competition is a principle that policymakers at every level should promote. It has the potential to unleash the creativity and ingenuity that has made our nation's economy the envy of the world. In the telecommunications industry, for instance, deregulation has led to a multitude of technology advancements and benefits for consumers. Long distance telephone rates are lower now than they ever have been, due to the reduction of unnecessary regulation and the power of competition. Just over the last few years, cellular phone customers have seen incredible growth in the options for plans and services, while prices have declined.

It is my hope that, in the near future, residential customers and small businesses will be able to realize the savings and opportunity in their local service that they may realize in other telecommunication sectors. While Committee Substitute for House Bill 1683 takes a small step in the direction of increased choice and competition, it falls short in the method and magnitude that is required to return tangible benefits to the average consumer in Florida.

For this reason, I am withholding my approval of Committee Substitute for House Bill 1683, and do hereby veto the same.

Sincerely,
JEB BUSH
Governor

The Honorable Tom Feeney
Speaker, House of Representatives

April 30, 2002

Dear Mr. Speaker:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the

House, the following 2002 vetoed bill, Regular Session. The Governor's objections are attached thereto.

HB 979 An act relating to the Cedar Hammock Fire Control District, Manatee County; . .

Sincerely,
KATHERINE HARRIS
Secretary of State

The Honorable Katherine Harris
Secretary of State

April 29, 2002

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, House Bill 979, enacted during the 104th Session of the Legislature since statehood in 1845, during the Regular Session of 2002, and entitled:

An act relating to the Cedar Hammock Fire Control District, Manatee County. . .

This local bill codifies all prior special acts relating to the district into a single act. At the same time, the bill makes substantive changes to the act including a substantial increase in the current maximum allowable non-ad valorem assessment rates without a referendum.

Given the diverse nature of issues addressed in local bills, I have developed standard criteria by which to evaluate these bills. The criteria generally provide that citizens impacted by revisions to the authority of the special district should be provided an opportunity for expressing their views by referendum. As stated before, this bill increases the maximum non-ad valorem assessment rates which may be levied. The special district failed to seek the consent of its taxpayers who could be significantly and adversely impacted by the changes. House Bill 979 does not afford an opportunity for citizens to vote on the matter of taxation.

For this reason, I am withholding my approval of House Bill 979, and do hereby veto the same.

Sincerely,
JEB BUSH
Governor

The Honorable Tom Feeney
Speaker, House of Representatives

May 1, 2002

Dear Mr. Speaker:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the House, the following 2002 vetoed bill, Regular Session. The Governor's objections are attached thereto.

HB 711 An act relating to the City of Gainesville/ Charter Revision. . .

Sincerely,
KATHERINE HARRIS
Secretary of State

The Honorable Katherine Harris
Secretary of State

April 30, 2002

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, House Bill 711, enacted during the 104th Session of the Legislature, since statehood in 1845, during the Regular Session of 2002, and entitled:

An act relating to the City of Gainesville/Charter Revision. . .

This local bill amends the City of Gainesville's Charter by creating a charter officer position for the Equal Opportunity Director and outlines all duties of said position. The bill amends the municipal charter through legislative action, as opposed to amending the charter at the local level. The City has the authority to amend its charter by adoption of an ordinance followed by a referendum. While the most recent two charter officer positions for the city have been created by acts of the legislature, the subject matter for which an Equal Opportunity Director will be responsible for, such as human relations, is one that the citizens should be afforded the opportunity to voice their opinion on, via referendum.

Given the diverse nature of issues addressed in local bills, I have developed standard criteria by which to evaluate these bills. The criteria generally provide that when a municipal government adopts a change that can be accomplished at the local level, it should be accomplished there. As stated before, this bill sets out to revise the municipal charter, that could be accomplished at the local level. The municipality is circumventing the local process of amending their charter and therefore has failed to seek the consent of its citizens by referendum. House Bill 711 does not afford an opportunity for citizens to vote on the matter.

For this reason, I am withholding my approval of House Bill 711, and do hereby veto the same.

Sincerely,
JEB BUSH
Governor

Adjourned

The House adjourned at 9:17 a.m., to reconvene at 10:00 a.m., Thursday, May 2.